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FIFTH COMMITTEE
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at 9.30 p.m.
New York

SUMMARY RECORD OF THE 50th MEETING

Chairman: Mr. MAYCOCK (Barbados)

Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. MSELLE

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The meeting was called to order at 10.25 p.m.

AGENDA ITEM 122: ADMINISTRATIVE AND BUDGETARY CO-ORDINATION OF THE UNITED NATIONS WITH THE SPECIALIZED AGENCIES AND THE INTERNATIONAL ATOMIC ENERGY AGENCY (continued) (A/C.5/45/L.18)

1. Mr. KALBITZER (Germany), introducing draft decision A/C.5/45/L.18, said that the proposed text was relatively short because it was in the form of a decision. He proposed that the Fifth Committee should adopt it by consensus.

2. Draft decision A/C.5/45/L.18 was adopted without a vote.

AGENDA ITEM 129: FINANCING OF THE UNITED NATIONS PEACE-KEEPING FORCES IN THE MIDDLE EAST (continued)

(a) UNITED NATIONS DISENGAGEMENT OBSERVER FORCE (A/C.5/45/L.9)

3. Mr. MERIFIELD (Canada), introducing draft resolution A/C.5/45/L.9, asked the Committee to adopt it by consensus. He noted that it differed in minor respects from the corresponding resolution adopted at the previous session, owing to the improvement of the financial situation of the Force through the payment of some of the assessments in arrears, with the result that the figures appearing in the draft resolution were those which had been recommended by the Secretary-General and approved by the Advisory Committee.

4. Mr. VISLYKH (Union of Soviet Socialist Republics) said that an agreement had been reached at the previous General Assembly session with regard to standardized wording of certain paragraphs, especially the preamble, of all future resolutions on United Nations peace-keeping activities. The traditional sponsors of those resolutions had given assurances that the agreement would be observed at the current session, but draft resolution A/C.5/45/L.9 did not conform to it. Under the agreement, the paragraph relating to the special responsibilities of the States permanent members of the Security Council in the financing of peace-keeping operations should be worded in the same terms as the corresponding paragraph of the resolution on the financing of the United Nations Transition Assistance Group (UNTAG). The agreement had been reached through lengthy consultation and debate, and it was to be hoped that the parties concerned would respect it. He wished to know whether it would be taken into account in the future.

5. Mr. CONMY (Ireland) said that such an agreement had indeed been reached the previous year and that, in his capacity as co-ordinator of most of the resolutions on peace-keeping operations, he had so informed the Secretariat. In fact, in most of the resolutions before the Committee, that paragraph had been worded in accordance with the agreement. The wording appearing in the resolutions on UNIFIL (A/C.5/45/L.10) and UNDOF (A/C.5/45/L.9) was the result of a technical error, which should be corrected before the resolutions were adopted.

6. Mr. MERIFIELD (Canada) said he regretted that he had not noticed earlier that the paragraph in question was not worded in the approved manner.

7. Mr. FRIIS (Norway) said that he also regretted the oversight and that the wording of the corresponding paragraph of draft resolution A/C.5/45/L.10 should be the same as that of the draft resolution relating to the United Nations Observer Group in Central America, as previously communicated to the Secretariat. He felt that the problem was merely technical.

8. The CHAIRMAN said that, if he heard no objection, the Committee would proceed to amend draft resolution A/C.5/45/L.9. He asked the representative of Canada to read out the revised paragraph.

9. Mr. MERIFIELD (Canada) said that the correct wording of the paragraph was as follows:

> "Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874 (S-IV) of 27 June 1963, in the financing of such operations,".

10. Draft resolution A/C.5/45/L.9, as orally revised, was adopted without a vote.

11. Mr. BARIMANI (Islamic Republic of Iran) said that he wished the record of the meeting to reflect that if the draft resolution had been put to a vote, his delegation would have abstained.

12. Ms. GOICOCHEA (Cuba) said that although her delegation had not been present at the adoption of draft resolution A/C.5/45/L.9, it joined in the consensus, although it wished to clarify that its position on the resolution remained the same in principle.

(b) UNITED NATIONS INTERIM FORCE IN LEBANON (A/C.5/45/L.10)

13. The CHAIRMAN asked the representative of Ireland to read out the sixth preambular paragraph, as revised, of draft resolution A/C.5/45/L.10.

14. Mr. CONMY (Ireland) said that the correct wording of the paragraph read:

> "Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874 (S-IV) of 27 June 1963, in the financing of such operations,".

15. Draft resolution A/C.5/45/L.10 was adopted without a vote.

16. Mr. BARIMANI (Islamic Republic of Iran) said that his country's position on the financing of UNIFIL was very clear and that if draft resolution A/C.5/45/L.10 had been put to a vote, his delegation would have abstained. He wished the record of the meeting to reflect that position.

17. Ms. GOICOCHEA (Cuba) said that although her delegation had not been present at the adoption of draft resolution A/C.5/45/L.10, it joined in the consensus, although it wished to clarify that its position on the resolution remained the same in principle.

AGENDA ITEM 130: FINANCING OF THE UNITED NATIONS IRAN-IRAQ MILITARY OBSERVER GROUP (continued) (A/C.5/45/L.11)

18. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt draft resolution A/C.5/45/L.11 without a vote.

19. Draft resolution A/C.5/45/L.11 was adopted without a vote.

AGENDA ITEM 133: FINANCING OF THE UNITED NATIONS OBSERVER GROUP IN CENTRAL AMERICA (continued) (A/C.5/45/L.13)

20. Mr. CONMY (Ireland) said that draft resolution A/C.5/45/L.13 was worded in the same terms as the other draft resolutions on the financing of peace-keeping operations. The amounts of appropriations and commitments authorized in the resolution were those recommended by ACABQ. He recommended that the draft resolution should be adopted by consensus.

21. Draft resolution A/C.5/45/L.13 was adopted without a vote.

22. Mr. ANNAN (Controller) said that the newly adopted draft resolutions did not authorize an increase in the rates of reimbursement for troop-contributing countries. If the implementation of the pertinent resolutions resulted in increased expenditures, every effort would be made to absorb the increase with existing funds. If that did not prove possible, ACABQ would be so informed.

AGENDA ITEM 118: PROGRAMME BUDGET FOR THE BIENNIUM 1990-1991 (continued) (A/45/7/Add.11; A/C.5/45/27; A/C.5/45/L.19)

Revised estimates under sections 3, 13, 27, 31 and income section 1

Review of translation and interpretation services for all official languages in the Economic Commission for Africa

Implementation of the Global Programme of Action on drug abuse control

Programme budget implications of draft resolution A/C.3/45/L.44 concerning agenda item 108 (International action to combat drug abuse and illicit trafficking)

Effective implementation of United Nations instruments on human rights and effective functioning of bodies established pursuant to such instruments

Developments relating to the activities of the Centre for Human Rights

Electoral assistance to Haiti

23. The CHAIRMAN said that the following corrections should be made to document A/C.5/45/L.19, draft resolution A: in paragraph 6 of the English version, the word "reflected" should be inserted after the word "decision"; in paragraph 16, the expression "Takes note" should be replaced by "taking note"; and in paragraph 17, the word "Recognizes" should be replaced by the word "Recognizing" (both

(The Chairman)

paragraphs 16 and 17 were to become preambular paragraphs and the operative paragraphs were to be renumbered accordingly). In the Spanish version of document A/C.5/45/L.19, page 4 should be replaced by the new page 4 which had been distributed to the delegates.

24. Mr. IRUMBA (Uganda), speaking on behalf of the Group of African States and of the current Chairman of the Organization of African Unity, said that the question of revised estimates had been one of the first which the Committee had studied and that, thanks to the Chairman's efforts, savings of more than $2 million had been realized in relation to programmes for Africa.

25. However, there had been some irregularities. Attempts had been made to divert resources from their original ends and, although some delegations had praised the merits of General Assembly resolution 41/213 and had insisted on a reduction in high-level posts, if the programme budget implications of the resolutions which the Committee was going to adopt or had already adopted were analysed, it would be seen that the net result favoured those bodies which were located in Europe. The Secretary-General had specifically proposed that, as almost all of the least developed countries were in Africa and Asia, the role of the Economic Commission for Africa and the Economic and Social Commission for Asia and the Pacific should be strengthened. However, the effect of the proposals which the Fifth Committee was recommending to the General Assembly would be to strengthen the Economic Commission for Europe. Some delegations had advocated the concept of equality, but the delegations of the States members of the European Economic Community had not shown a desire for equality in relation to the least developed countries. The principal sponsors of draft resolution A/C.5/45/L.19 were the same delegations which had defended the merits of resolution 41/213. Currently, there was pressure to withdraw the proposal to create a post of Under-Secretary-General, contrary to the provisions of resolution 41/213 and in spite of the savings realized in the amount of $2 million. Uganda and other African countries had been strongly pressured to accept such irregularities, but the delegation of Uganda took resolution 41/213 very seriously.

26. Moreover, the President of the General Assembly was trying to secure for the General Committee powers never contemplated by the authors of the United Nations Charter, with which it would operate in the same manner as the Security Council. His delegation proposed that efforts should be made to strengthen the position not of the so-called main participants but of poor countries at the resumption of the current session.

27. Mr. BAUDOT (Director, Programme Planning and Budgeting Division), speaking with reference to document A/C.5/45/L.19, section F, paragraph 2, said that the Secretary-General would act according to the established procedures: he would commit resources only if he received the concurrence of ACABQ. In addition, as indicated in document A/C.5/45/66, the Secretary-General would propose long-term solutions to the question of the appropriate level of resources of the Centre for Human Rights in his proposed programme budget for the biennium 1992-1993, taking into account the general guidelines currently being developed to govern the preparation of the programme budget and of the management and work-load analysis.

28. Mr. MOSCHOPOULOS (Greece), referring to document A/C.5/45/L.19, section F, paragraph 2, and recalling that ACABQ would not meet until April 1991, asked the Chairman of the Advisory Committee when he would be able to review the question referred to in that paragraph and take a decision on the matter.

29. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the Committee had already dealt with many other similar cases. The Chairman of the Advisory Committee was available on a permanent basis. If a question arose for decision at a time when ACABQ was not meeting, the Chairman contacted the members of ACABQ, who communicated their opinions to him, and, on behalf of the members, he replied to the Secretary-General or to the appropriate programme. ACABQ would reply as soon as it received an analytical report from the Secretary-General.

30. Mr. IRUMBA (Uganda), referring to document A/C.5/45/L.19, section A, paragraph 21, said that he objected to the use of the word "recalls" instead of "reaffirms". He seemed to remember that the representative of the United Kingdom had proposed that wording, but it was not his impression that it had been adopted.

31. The CHAIRMAN said that it was his recollection that the representative of the United Kingdom had said that the proposal to use the term "recalls" had been put to a vote. He himself had raised the matter in unofficial consultations and there had been no objections. When in an open meeting no one expressed opposition to a proposal, it was appropriate to assume that there was acquiescence.

32. Mr. IRUMBA (Uganda) said that he had been present during the consultations and insisted that the word "reaffirms" had been proposed, and not "recalls".

33. Mr. BAUDOT (Director, Programme Planning and Budgeting Division) confirmed what had been said in informal consultations, namely, that the Centre would open as soon as the United Nations and the Government of Namibia had reached an agreement, and that, when taking a decision on document A/C.5/45/L.19, the General Assembly would allocate the necessary resources for the opening of the Centre. Regarding the word "recalls", he had no wish to interfere in the debate but he would recall that the resolution referred to had been adopted the previous year and that the term "recalls" was not in the preamble but in the operative part. Accordingly, in the Secretariat's opinion, the use of the word "recalls" or "reaffirms" did not change the meaning of the paragraph.

34. Mr. IRUMBA (Uganda) pointed out that some delegations interpreted certain General Assembly resolutions differently and that consequently he accepted the word "recalls", but that he would like the records of the meeting to include the explanation of the Secretariat.

35. Uganda had earlier asked that a conference room paper should be prepared on the conference centres fully financed by the United Nations and the centres which the Secretariat hoped would be financed in part by the developing countries. He would bring the matter up again in CPC, but in the mean time he hoped that the General Assembly would implement the resolution in such a way as not to impose excessive economic demands on the Government of Namibia. Uganda hoped that the

(Mr. Irumba, Uganda)

conference room paper it had requested on the centres would compare the manning tables and vacant posts of the various centres, because it believed that the centres in Africa were short of staff. The unfavourable treatment Africa was receiving in that regard had caused the continent to lose over $2 million in resources.

36. The draft decisions and resolutions contained in document A/C.5/45/L.19 were adopted without a vote.

37. Mr. INOMATA (Japan) asked about the status of the ACABQ recommendations in document A/45/7/Add.11. It was obvious from that document that there had been irregularities in the consultations, in which Japan had participated, and he himself remembered clearly that there had been agreement that the D-2 post would be covered through reclassification of a higher-level post. Since the Chairman himself had said that editorial changes could be made, his delegation had not brought the matter up because it thought that the Secretariat or the Chairman would correct the text. There were omissions in the text which there was no time to correct at that late stage, but there was still time to ascertain the implications of paragraph 9. He would like information on that point, and specifically if it was necessary for the General Assembly to approve the action referred to in that paragraph.

38. The CHAIRMAN confirmed that he had said that editorial changes would be made, but observed that there seemed to be a difference of opinion on what was meant by an editorial change. He did not believe that a post-related matter constituted a drafting change.

39. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that, in accordance with the procedure established by the General Assembly in resolution 35/217, ACABQ would have to approve the Secretary-General's proposals to establish extrabudgetary posts at the D-1 level and above. Even prior to 1980, ACABQ had concluded that the Committee must participate in the creation of higher-level posts. Consequently, paragraph 9 of document A/45/7/Add.11 was not at variance with the procedure established by General Assembly resolution 35/217. In other words, there was no need for the General Assembly to approve the action referred to in paragraph 9. Establishing a relationship between the ASG post proposed by the Secretary-General under the regular budget and the new extrabudgetary D-2 post would complicate the matter. The two questions must be dealt with separately, one in the context of the budgetary exercise and the other in the context of the extrabudgetary exercise. One could say that what was sought was the conversion of an extrabudgetary post to a regular budget post, implying an upward reclassification, but that sort of argument was not appropriate.

40. The CHAIRMAN said that, in accordance with A/C.5/45/27 and A/45/7/Add.11, the Committee had to take a decision on the establishment of the 20 posts proposed by the Secretary-General in his report. On the basis of the report of the Secretary-General and the ACABQ recommendations, he proposed that the Committee should bring to the attention of the General Assembly that the implementation of

(The Chairman)

the mandates and activities under the World Programme of Action would entail additional financial implications of $911,900 under section 20 of the programme budget for the biennium 1990-1991. Those additional requirements would be dealt with in keeping with the guidelines for the operation and utilization of the contingency fund, and would be reviewed in the context of a consolidated statement to be submitted to the General Assembly at the end of its current session, in accordance with General Assembly resolution 42/211, annex, section (c).

41. Furthermore, $178,000 would be required under section 31, to be offset by an equal amount under income section 1.

42. He would take it, if he heard no objection, that the Committee wished to adopt that proposal without a vote.

43. It was so decided.

44. Mr. INOMATA (Japan), referring to document A/C.5/45/L.19, section D, explained that his delegation had joined the consensus to adopt draft resolution A/C.3/45/L.44 because it considered it important to strengthen the United Nations structure to combat drug abuse and illicit trafficking in drugs. It had already explained its position in the Third Committee, but felt it necessary to explain it in the Fifth Committee as well, in view of the financial implications of that resolution. The resolution aimed to perform an important task, and Japan did not believe that it should be performed only by establishing a new USG post in the current circumstances, in which there had not been satisfactory compliance with the recommendations of the Group of High-level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations. He recalled in that connection that General Assembly resolution 44/201 B, section I, paragraph 3, requested the Secretary-General to continue his efforts to identify, as soon as possible in the course of the biennium 1990-1991, in accordance with resolution 43/213, four additional high-level posts for reduction. High-level posts should not be established on the basis of abolishment and creation, but through a reclassification of already existing posts. This applied also to the restructuring of the United Nations agencies in Vienna. The Secretary-General should bear in mind the general need to reduce the high-level posts in the Organization.

45. Mr. BELHAJ (Tunisia) noted with regret that some widely divergent issues which had come before the Fifth Committee at different stages had been grouped together in document A/C.5/45/L.19, which appeared to call for a reduction in programmes, particularly those in Africa. He also emphasized the irregularities of the new budgetary process established by resolution 41/213 and wished the record of the meeting to reflect his observations. He reserved the right to return to the question subsequently.

46. Mr. KARBUCZKY (Hungary) said he was pleased that the statement by the Chairman of the Advisory Committee had facilitated the adoption of document A/C.5/45/L.19, and of draft decision F in particular. His delegation attached special importance

(Mr. Karbuczky, Hungary)

to the issue of human rights and regretted the unnecessary compromise which had been reached on the issue, since the solution to an urgent problem would suffer delays for bureaucratic reasons. He hoped that the problem would be duly solved according to the results of the appropriate study.

47. Mr. MOSCHOPOULOS (Greece), referring to draft decision F of the newly adopted document (A/C.5/45/L.19), said that his country attached great importance to respect for human rights and fundamental freedoms and that it supported all measures and activities to foster those principles, which were universal and not specific to any given geographical or political group. Therefore, international bodies established for that purpose should be given all the human and material resources they needed to fulfil their mandates.

48. In that context, his delegation was concerned that the Centre for Human Rights was experiencing increasing difficulty in carrying out its activities because of the great increase in its work-load and the lack of the necessary resources to handle it. He trusted that the newly adopted draft resolution would result in the swift approval of concrete measures to remedy the situation. He hoped that on the basis of the management and work-load analysis which the Secretary-General was to complete the following month, the four additional posts which the Centre needed so urgently would be established as a provisional measure until the General Assembly adopted permanent measures the following year for a long-term solution of the problem.

49. Mr. SIGURDSSON (Iceland), also referring to draft decision F in document A/C.5/45/L.19, said he wished to reiterate the importance which his delegation attached to respect for human rights and to the role of the United Nations in that area. All of the human rights activities carried out in the framework of the United Nations were reflected in the work of the Centre for Human Rights. The Centre's increased work-load was hindering its operations, and his delegation trusted that the provisional solutions adopted with respect to the Centre would become definitive on the basis of the work-load analysis which the Secretary-General was to complete the following month.

50. Mr. WU Gang (China) said that his delegation fully concurred with the Advisory Committee's opinions regarding the creation of seven additional posts in the Centre for Human Rights. The Secretary-General's proposal had not been based on an analysis of the Centre's actual work-load, and there had also been serious procedural irregularities. Like many other delegations, therefore, his delegation had reservations about the proposal to establish seven new posts in the Centre. However, in the spirit of consensus, it had not opposed the adoption of document A/C.5/45/L.19.

51. Mr. SPAANS (Netherlands) said that his delegation endorsed the newly adopted draft resolutions and decisions contained in document A/C.5/45/L.19 and that it trusted that the provisional solutions to strengthen the Centre for Human Rights, set forth in draft decision F, would constitute a model for a more structural solution which would allow the Centre to adequately fulfil its important tasks. It

(Mr. Spaans, Netherlands)

went without saying that the provisional solutions were without prejudice to the long-term measures to be adopted for the reinforcement of the Centre. In recent decades, the Centre's work-load had increased because of the great success of the United Nations in promoting respect for human rights. Many countries had acceded to human rights agreements and had undertaken to observe their provisions. Moreover, new international conventions had been adopted and new human rights concepts had been established which required further analysis and study. His delegation emphasized the importance of the Secretary-General's role in procuring the necessary resources to implement United Nations human rights programmes. He hoped that in the near future, the Centre would be in a position to accomplish all of its work effectively and efficiently. It should be borne in mind that adequate financing and effective management did not constitute an end in themselves, but that all of the efforts being made were directed towards protecting individuals against the violation of their human rights.

52. Ms. GOICOCHEA (Cuba) said that her delegation had joined in the consensus on document A/C.5/45/L.19, which was the result of a delicate process of reciprocal concessions. However, as the representative of Uganda had indicated, some delegations had been asked to give up everything or almost everything in some cases, or to renounce other equally legitimate aspirations. Her delegation deeply regretted some of the situations which had arisen in the context of the negotiations on those and other draft resolutions, in which attempts had been made to intimidate delegations that defended certain positions and to overlook their legitimate and sovereign rights. She wished to invoke the spirit which had prevailed in the Committee so that it could complete its work on the basis of the collective and individual respect which had characterized its deliberations up to that time.

53. In addition, she wished to reiterate her concern about the violations of budgetary procedures on that occasion. Her delegation felt that a negative precedent had been set, which would be very difficult to eliminate in the future.

54. Her delegation associated itself with the comments made by other delegations with regard to the reduction of some of the programmes for Africa, since such a reduction was inconsistent with the priority which had been assigned for a number of years to the special situation of the countries in that region.

55. With reference to draft decision C of document A/C.5/45/L.19, concerning electoral assistance to Haiti, she reiterated that, although the amount of such assistance had been recorded as a revised estimate arising from extraordinary expenses, that did not mean that the activity was linked to international peace and security, but rather indicated that it specifically concerned technical co-operation assistance.

56. In conclusion, she wished to point out that her delegation's acceptance of the creation of certain posts was without prejudice to its position on the proposed programme budget in 1991.

57. Mr. CONMY (Ireland) said that, in view of the late hour, he would simply associate himself with the explanations of position given by the representatives of Hungary, Greece, Iceland and the Netherlands.

58. Ms. SHITAKHA (Kenya) said that she fully endorsed the statements of the representatives of Uganda, Tunisia, China, Japan and Cuba. Kenya had clearly expressed its opinion on the subjective approach of some delegations with regard to General Assembly resolution 41/213. She would not elaborate on the importance which Kenya attached to human rights, since the Fifth Committee was not the appropriate forum for such a statement. However, she was very concerned about the manner in which the Fifth Committee had analysed some issues and recommended that the examination of future irregularities should be based on fair treatment of all matters of concern, particularly those of developing countries.

The meeting rose at 12.15 a.m.